

Remarks

Reconsideration of the Restriction Requirement as applied to this Application is respectfully requested. Claims 1-29 are pending in the application, of which claims 1, 12, 18, and 25 are independent. Based on the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw the Restriction Requirement.

Election

The Examiner states, on page 2 of the Restriction Requirement, that the claims are directed to four inventions, namely:

Group I: Claims 1-14, 16, and 17, drawn to ultrasonic pen;

Group II: Claim 15, drawn to digital signature collection with a pen;

Group III: Claims 18-24, drawn to determining signature shape; and

Group IV: Claims 25-29, drawn to determination of location and pressure.

Applicant would like to thank the Examiner for the courteous telephonic interview conducted with Applicant's attorney on November 3, 2005. As a result of the telephonic interview, the Examiner agreed to reduce the number of inventions to the following:

Group I: Claims 1-17, drawn to ultrasonic pen; and

Group II: Claims 18-29, drawn to determining signature shape.

In response to the new groupings for the restriction requirement, Applicant hereby elects Group I comprising claims 1-17, with traverse.

Applicant respectfully submits that the restriction is improper and should be withdrawn. For a restriction requirement to be proper, the Examiner must show that

distinctive inventions are being claimed as well as a serious burden on the Examiner if the application is not restricted. Applicant respectfully submits that there are no substantial distinctions between Groups I and Groups II which would necessitate a serious burden. Indeed, both groups are related to a digital signature collection system. In fact, it would seem reasonable that a prudent search for either group would overlap and be co-extensive.

For example, independent claim 12, which the Examiner indicates is part of Group I, includes similar elements to those recited in independent claim 18 of Group II. The similar elements of claim 12 and 18 are the first and second ultrasonic receivers (indicated as a plurality of ultrasonic receivers in claim 18) that receive ultrasonic energy and a higher frequency receiver which receives pressure signal information. Thus, many elements recited in the claims of Group I are also recited in the claims of Group II.

Further, the burden on the Applicant is believed to outweigh the burden there may be on the Examiner to search the two Groups of the invention, particularly since the searches would be co-extensive. Restriction would be unduly burdensome to Applicant, not only in time, but also in costs, particularly considering the cost increases that have occurred over the last year.

Considering these factors, it is respectfully submitted that the restriction requirement is improper since Groups I and II are indeed related. Moreover, the Examiner is respectfully requested to weigh the great burden a restriction would have on the Applicant and withdraw the restriction requirement.

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In view of the foregoing, it is respectfully requested that the restriction requirement be reconsidered and withdrawn, and that examination on the merits of all of the claims (claims 1-29) proceed.

Respectfully submitted,

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